

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RADIO SYSTEMS CORPORATION,)	
)	
Plaintiff,)	
)	No. 3:13-CV-386
v.)	(MATTICE/SHIRLEY)
)	
HAWX OUTDOORS, INC., d/b/a/)	
HAWX DOG & GUN, BUMPER BOY INC., and)	
TOM LALOR,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

On September 12, 2013, the Court granted a Motion for Case Management Conference filed by Plaintiff and entered an Order setting this case for a scheduling and case-management conference on October 18, 2013. On October 2, 2013, the Clerk of Court entered a default against Defendant Hawx Outdoors, Inc., [Doc. 11], and also entered a default against Defendant Bumper Boy, Inc., [Doc. 12]. On October 9, 2013, the Plaintiff filed a Motion to Compel Rule 26(f) Conference [Doc. 13], moving the Court to order Defendants HAWX Outdoors Inc. and Bumper Boy Inc. to appear at a Rule 26(f) conference and to award fees and expenses incurred in bringing the motion. On October 16, 2013, the Court cancelled the conference set to take place October 18, 2013, to allow the Plaintiff to move for a default judgment. The Court reset the scheduling and case-management conference to take place December 18, 2013, at 9:30 a.m.

On December 10, 2013, the Defendant filed a Motion for Default Judgment Against HAWX Outdoors and Bumper Boy [Doc. 21]. It appears to the Court that HAWX Outdoors and

Bumper Boy are the only Defendants that have been served in this case. [See Docs. 4, 5]. Thus, with a Motion for Default Judgment pending against these Defendants, the Court finds that it is not appropriate to hold a scheduling and case-management conference at this time. Moreover, because Plaintiff is moving for a default judgment, the Court is unsure why Plaintiff is contemporaneously asking for Defendants to appear at a Rule 26(f) conference, and it appears to the Court that, at this juncture, such would likely be a waste of resources.

Accordingly, the Motion to Compel Rule 26(f) Conference [Doc. 13] is **DENIED AS MOOT**, to allow refiling – as the Plaintiff deems appropriate – after a decision is issued on the Motion for Default Judgment. In addition, the scheduling and case-management conference set for **December 18, 2013**, is **CANCELLED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge